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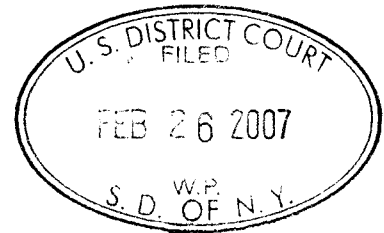
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February 23, 2007

Mark D. Fox, U.S.M.J.
U.S. Courthouse
300 Quarropas Avenue
White Plains, NY 10601



Re: Borough of Upper Saddle River v. Village of Airmont and
Rockland County Sewer District # 1
07-cv-0109 (MDF)

Dear Judge Fox:

We represent the Village of Airmont in the above referenced matter, which has been assigned to your Honor from the WP4 docket.

A Case Management Conference is being scheduled for March 12, 2007 and I am writing to request an extension of time to serve our Answer until after the conference so that your Honor may consider our application to file a motion to dismiss pursuant to Rules 12(b)(6) and 56 in lieu of submitting an Answer.

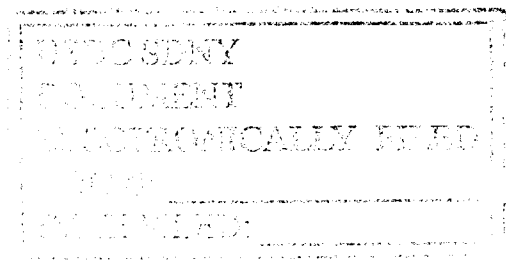
Plaintiff's Claims against the Village are premised upon a misconception that the Village owns and operates RCSD # 1. Since the Village does not own or operate RCSD # 1, the Village cannot be held responsible for the alleged discharge into U.S. waters.

Respectfully submitted,

Paul E. Svensson

Paul E. Svensson

To:
Michael K. Burke (7554)
Burke, Miele & Golden, LLP
Attorneys for Plaintiff



MARK D. FOX
United States Magistrate Judge
Southern District of New York

Completed

*Communication
in ORP/MSD*

2/26/07

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